



WESTFIELD-WASHINGTON
BOARD OF ZONING APPEALS

October 9, 2012

1209-VS-10

Exhibit 1

Petition Number: 1209-VS-10

Subject Site: Greyhound Plaza Retail Center

Petitioner: Greyhound Plaza Associates, LP

Representative: Timothy E. Ochs, Ice Miller LLP

Request: The petitioner is requesting two Variances of Standard from the Westfield-Washington Zoning Ordinance: 1) (*WC 16.08.010.1.2.a.iii*) to allow an additional nonresidential center monument sign and 2) (*WC 16.04.120.2.e*) to allow a reduction in size of parking spaces to be nine (9) feet wide.

Current Zoning: General Business

Current Land Use: Commercial

Approximate Acreage: 15 acres

Zoning History: (96-AP-26) – approved development plan for retail center/outlots
(97-V-35) – permits ground sign at 146th Street/Western Way entrance and monument signs along US 31 and Greyhound Pass.
(0109-VS-78) – allowed an additional 300 sq. ft. of wall signage on the east elevation of the existing retail center.

Exhibits:

1. Staff Report
2. Aerial Location Map
3. Site Plan
4. Sign Elevations

Staff Reviewer: Andrew Murray, Associate Planner

Petition History

This petition will receive a public hearing at the October 9, 2012 Board of Zoning Appeals meeting.



Property History

The site development plan (96-AP-26) for the property located at 14610 US 31 North (the "Property") was approved by the Advisory Plan Commission on April 28, 1997. The approval was for an approximate 153,000 square feet commercial center structure and outlots on approximately fifteen (15) acres. Case 97-V-35 was approved on October 20, 1997 which allowed three signs; 1) entrance sign at the southwest corner of the site; 2) a center tenant sign located off of US 31; and 3) a center tenant sign located at the Greyhound Court entrance. Case 0109-VS-78 was approved on October 15, 2001 to an additional 300 square feet of tenant signage (aggregate 2,100 square feet) on the east elevation of the existing retail center.

Analysis

The Westfield-Washington Township Sign Ordinance (section WC 16.08.010.I.2.a.iii) states that *"Nonresidential centers greater than one hundred thousand (100,000) building feet shall be permitted one monument sign per nonresidential center, which shall be no greater than twenty-five (25) feet in height and have no more than two hundred and fifty (250) square feet of sign area per face."* The Petitioner's submitted plans propose a center tenant monument sign to be located at the southwest corner entrance off of Western Way and 146th Street. By right, a smaller existing entrance sign is located in the proposed location, however, the petitioner does commit to removing the existing sign if this petition is approved. The proposed sign does meet the height and sign area allocation standards, as identified in the Westfield-Washington Township Sign Ordinance. The proposed sign is being requested because access to Greyhound Pass from US 31 is being eliminated to traffic heading north on US 31, thus access to the Greyhound Plaza retail center will be via 146th Street to Western Way.

An additional variance of development standard is requested for a reduction in size of parking spaces to be nine (9) feet wide. The Westfield-Washington Township Parking Ordinance (section WC 16.04.120.2.e) states that *"a required off-street parking space shall be at least 10 feet in width and at least 20 feet in length, exclusive of access drives, aisles, ramps, columns and office or work area."* This variance is being requested because several existing parking spaces are being eliminated with the US 31 Major Moves Project right-of-way taking.



Procedural

The Board of Zoning Appeals shall approve or deny variances of standard from the terms of the zoning ordinance. The Board may impose reasonable conditions as a part of its approval. A variance may be approved under Ind. Code § 36-7-4-918.5 only upon a determination in writing that:

1. *The approval will not be injurious to the public health, safety, morals, and general welfare of the community:*

Finding: It is unlikely that allowing the proposed center monument sign would be injurious to the public health, safety, morals and general welfare of the community. The location is in compliance with the City's line of sight standards.. It is unlikely that allowing the size of parking spaces to be nine (9) feet wide would be injurious to the public health, safety, morals and general welfare of the community.

2. *The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner:*

Finding: It is unlikely the use and value of the area adjacent to the Property included in the variance will be affected in a substantially adverse manner. The neighboring properties east, north and south of Greyhound Plaza retail center are commercial in use. The neighboring property to the west is residential. However, the items which are the subjects of these variance requests are not located in a manner that should significantly have an impact on property to the west.

3. *The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the subject property:*

Finding: The US Highway 31 Major Moves Project construction, adjacent to the Property, is in process. Access to the Property will change, with the elimination of the Greyhound Pass intersection with US 31. As a result, the 146th Street entrance will become a more prominent site access point.



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The US 31 improvements are eliminating existing spaces within the retail center. By narrowing the width requirement, the petitioner will be able to maintain an appropriate number of parking spaces to serve the center.

Recommendations

Approve the request based on the findings of this report.